

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.2508 OF 2004

Ashok S. Gangwani & Anr.

... Petitioners

Versus

The Bharat Co-op. Bank (Mumbai) Ltd. & Ors.

...Respondent

Mr. S.C. Naidu instructed by M/s. C.R. Naidu & Co. for the petitioners.

Mr. Gabriel Pillai for respondent No.1.

Mr. Y.S. Bhate with Mr. Y.R. Mishra for respondent No.3.

**CORAM: DALVEER BHANDARI, C.J. &
DR. D.Y. CHANDRACHUD, J.**

DATE: SEPTEMBER 20, 2004.

P.C.

The learned counsel for the petitioners submitted that the issue involved in this case is also pending before this Court in Writ Petition No. 2594 of 2004. In our opinion, no useful purpose would be served in tagging this matter along with the said petition. However, we make it clear that decision of that petition will govern this case also, so far as question of fee payable by the petitioners.

2. In the facts and circumstances of this case, we direct the

petitioners to deposit an amount of Rs.1,50,000/- as demanded, with the Registrar, [D.R.T.](#)-III, without prejudice to their rights and contentions. Let the amount be deposited within a period of two weeks from today. On deposit of the amount, appeal filed by the petitioners be registered and placed before the Presiding Officer, DRT-III. The learned counsel for respondent No.1 submits that until the petitioners deposit this amount within two weeks, the physical possession of the flat shall not be taken by respondent No.1. No further directions are necessary. This petition is accordingly disposed of.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.

